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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,562	08/20/2001	David H. Parker	17645-130	6565
33717	7590	04/21/2005		EXAMINER
GREENBERG TRAURIG LLP 2450 COLORADO AVENUE, SUITE 400E SANTA MONICA, CA 90404				TON, ANABEL
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/933,562	PARKER ET AL.	
	Examiner	Art Unit	
	Anabel M. Ton	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 27 January 2005.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-9, 11-41, 43-46, 48-55, 57-59, 61 and 63-76 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 1-25, 37-41, 43-46, 48-55, 57-59, 61 and 63-76 is/are allowed.
 6) Claim(s) 26, 30, 31, 32, 34-36 is/are rejected.
 7) Claim(s) 27-29 and 33 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 26,30,31,32,35-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Hon (6,364,504).

1. Hon discloses: a barrel the barrel being for mounting batteries such that when the batteries are in the barrel, an array of several batteries are in side by side relationship radially around a central longitudinal axis extending through the barrel (12, 50a) a lamp (56), a switch a circuit (7,8a) the switch being for opening and closing the circuit, the circuit being between the batteries and the lamp; a lens (60), a cap for the barrel (62), a pistol grip handle extending transversely from the barrel (14)wherein the body portion of the handle includes weight reducing elements the elements being ((col. 3 lines 14-18) formed so as to retain the structural strength of the handle and batteries wherein the batteries are mounted in a housing the housing being removable from the barrel when the cap is removed from the barrel, the closure to the housing the closure

to the housing including means for mounting the lamp (48); the closure is mounted in a tongue and groove manner (threaded) (fig 4), a mounting for a switch and circuit on an outside wall of the housing (22); the electrical components for the batteries (50a,b), the batteries and whereby the operation of the flashlight by the switch is effected by an element mounted on the flashlight unassociated with the housing (a hand gripping the handle effects the function of the switch); the batteries are located in the barrel in manner to relatively maximize the battery power and minimize the amount of unused space in the barrel.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hon.
4. Hon discloses the claimed invention except for the recitation of having rechargeable batteries. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use rechargeable batteries in the device of Hon since it is old and well known in the illumination art of the advantages of rechargeable batteries over common alkaline batteries such as cost effectiveness and reusability.

Allowable Subject Matter

1. Claims 1-25,37-41,43-46,48-55,57-59,61,63-76 are allowed.

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2. Claims 27-29,33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
3. The following is a statement of reasons for the indication of allowable subject matter: Applicant's arguments with regards to the egg-shape of the device and the balancing function of the handle in combination with the battery pack of the device were persuasive.

Response to Arguments

4. Applicant's arguments filed 01/27/05 have been fully considered but they are not persuasive. With regards to the remaining rejected claims, applicant argues that the handle of Hon does not teach weight reducing elements, the elements being formed so as to retain structural strength of the handle. Examiner disagrees for the following reason: as recited in column 3 lines 14-18, the handle of Hon is made of durable plastic material. Plastic is well known for its lightweight, strength and durability hence satisfying this limitation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M. Ton whose telephone number is (571) 272-2382. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anabel M Ton
Examiner
Art Unit 2875

AMT



Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800